

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:	:	Case No. 5:17-bk-03339-JJT
Daniel Malsch,	:	
Debtor,	:	Chapter 13
	:	
Songshooter Foundation, Corp.,	:	
Objectant,	:	
v.	:	
	:	
Daniel Malsch,	:	
Respondent.	:	
	:	

OBJECTION TO CONFIRMATION OF THE CHAPTER 13 PLAN

Songshooter Foundation, Corp. ("Foundation"), the owner of a purportedly contingent, unliquidated, disputed claim against Debtor/ Daniel Malsch ("Debtor") objects to the Confirmation of the Debtor's Chapter 13 Plan as follows:

Debtor's Chapter 13 Plan violates 11 U.S.C. § 1322(a) in that debtor has not submitted all or portion of his future earnings to the supervision and control of the trustee as required, namely any income from his ownership interest in Soundmine Musicworks Inc; Soundmine; Soundmine Musicworks, Inc. all of which were identified by the Debtor on his Statement of Financial Affairs for Individuals Filing for Bankruptcy ("Form 107"); and Soundmine Recording LLC, which was not identified on Form 107, but which upon information and belief, is owned in whole or in part, directly or indirectly, by the debtor or his spouse.

Debtor's Chapter 13 Plan violates 11 U.S.C. § 1322(b)(1) in that the plan discriminates unfairly against Foundation's claimed interest in sound recording and music equipment as set forth on Exhibit "A" hereto, in which debtor, his spouse, or an

entity that is directly or indirectly owned in whole or in part by the debtor of his spouse, claims ownership.

Debtor's Chapter 13 Plan violates 11 U.S.C. § 1322(b)(1) in that the plan and schedules do not disclose an alleged 50% interest in recording and music equipment transferred to the Debtor's spouse and valued, per the Objection of the Trustee filed on February 6, 2018 (Dkt 37) at \$334,255.00. The Foundation specifically incorporates the Trustee's Objection as if set forth herein at length.

Debtor's Chapter 13 Plan violates 11 U.S.C. § 1325(4) in that the value of the property to be distributed under the plan on account of Foundation's claim is less than the amount that Foundation is otherwise entitled to receive in a liquidation.

Debtor's Chapter 13 Plan does not account for the need to resolve Foundations Adversary Proceeding Complaint Objecting to Discharge filed with this Court on November 17, 2017.

Dated: February 26, 2018

**LAW OFFICES OF MARK J. CONWAY,
P.C**

/s/ Mark J. Conway

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[6812-4/5569023/1]

EXHIBIT A

CONSOLES

- (24) Neve 1081 mic pre and eq modules (originally owned by the Kinks at Konk Studios, London)
- (24) API 512C mic pres with 16 550B and 8 560 eq modules
- (2) API 550a eq modules

TAPE MACHINES:

- (1) Studer A-827 24 track 2" machine with remote
- (1) ProTools HD 4 with 32 inputs and 56 outputs
- (4) 192 IOs
- (1) Apple Computer Tower
- (1) Timeline Microlynx
- (1) Ampex ATR- 102 1/2" stereo mixdown deck
- (1) Technics 1520 1/4" two track machine
- (1) Tascam DA-45HR 24bit DAT machine
- (1) Apogee Rosetta 96k 24bit A/D converter
- (1) Panasonic 3800 dat machine
- (1) HHB DCR-850 CD Recorder
- (1) Sony WA8ESA double cassette machine
- (1) Apogee Big Ben word clock

SPEAKERS:

- (2) Westlake BBSM-12
- (2) Genelec 1031AP
- (2) Yamaha ns10m
- (2) Tannoy pbm 6.5
- (2) Auratone
- (3) Power Amps for speakers
- (1) Coleman audio speaker switcher

OUTBOARD

- (2) Pultec EQP-1R tube equalizers
- (2) Teletronix LA-2A leveling amplifiers
- (2) Urie 1176LN (black-faced) peak limiters
- (2) Neve 2254a compressor/limiters
- (1) Neve 33609 stereo compressor/limiter
- (1) Logic FX 33812 (SSL stereo board compression)
- (2) Avalon SV-737SP mic pre,EQ,Comp
- (2) Empirical Labs Distressors

[6812-4/5569023/1]

- (1) Summit DCL-200 stereo tube leveling amplifier
- (1) SPL Transient Designer 9842
- (1) GML 8200 stereo parametric EQ
- (2) Api 550 EQs
- (1) Lexicon 480L
- (1) AMS RMX-16 Reverb
- (1) Eventide H-3000 Ultra-Harmonizer
- (1) Antares ATR-1
- (1) Yamaha D-5000 stereo dig. delay
- (1) Lexicon pcm 70
- (1) Lexicon pcm 42
- (3) Lexicon pcm 41
- (1) Yamaha SPX 990
- (1) Yamaha Rev 7
- (1) Echoplex
- (3) dbx 160x compressor
- (1) dbx 166 stereo compressor
- (1) Rocktron Hush
- (1) Ashley Stereo Gate
- (1) Behringer 4-way Autoquad Gate
- (1) Lexicon 1xp1
- (1) Boss se50
- (1) Alesis xt
- (4) Peavy tube Valverb
- (1) Macintosh G4 - Pro Tools HD 4 - various plugins
- (1) dbx 120x subharmonic synth
- (1) Mutator
- (1) Electrix filter factory
- (1) Autoquad
- (1) Antares ATR-1

KEYBOARDS:

- (1) Hammond B3 with 122 leslie
- (1) Wurlitzer electric piano
- (1) Steinway 7 Foot Grand Piano
- (1) Knabe 5 Foot Baby Grand
- (1) Minimoog
- (1) Yamaha JX-8P
- (1) Emu Proteus I
- (1) Roland d550
- (1) Kurzweil K2000RS sampler
- (1) Kurzweil 1000px Plus
- (1) Roland d110

[6812-4/5569023/1]

- (1) Alesis D4 drum trigger
- (1) Yamaha tx802
- (1) Yamaha tx7
- (1) M-Audio Controller Keyboard
- (1) Opcode Studio 3

MICROPHONES:

- (1) Neumann U47
- (2) Neumann U87
- (2) Neumann M-149 Matched Tube mics
- (1) Mouse Microphone
- (2) Matched Coles 4038 ribbon mics
- (1) RCA 44 ribbon mic (AEA)
- (2) Royer R-121 ribbon mics (matched)
- (4) Wright lipstick mics (matched)
- (1) Earthworks TC30k
- (1) Shure sm-7
- (2) Akg E414 eb
- (1) Audio Technica AE2500
- (2) Akg 452
- (1) Akg 451
- (1) Akg D112
- (5) Sennheiser 421
- (6) Shure sm57
- (2) Shure sm58
- (2) Atm33r

MISC.

- All patch bays for all gear including snakes
- (4) Private Q headphones, cabling, and system
- (2) vintage drum kits Pearl color and mixed Gretsch kit
 - various snares and toms (black beauty, Ludwig, 7 in all)
 - (various cymbals)
 - various vintage guitars (electric and acoustic)
 - various percussion - congas, djembe, dunbek, guiro, washboard, etc.
- (1) 1966 Martin D-35 acoustic guitar
- (1) Les Paul Junior
- (1) Gretsch 1957 Anniversary Issue w/ original Bigsby.
- (1) Bogner Amp
- (1) Silvertone Guitar
- (1) Sadowsky Custom Guitar
- (1) 1966 Melody Maker

[6812-4/5569023/1]

(1) Yamaha Acoustic Guitar
(1) Guild Acoustic Guitar
Various other electric guitars (14 guitars in all)
(1) 1972 Marshall 50 watt head and 4x12 cabinet from 1966.
(1) Fender Deluxe Reverb guitar amp
(2) Gretsch Variety Plus guitar amp
(1) Ampeg B-15
(1) Ashdown EVO Bass Head
(1) 8 speaker SVT Cabinet
(1) Mesa Boogie Son of Boogie Amp
(1) Bogner Head and Speaker Cabinet
(3) Guitar Pod and all 3 Line 6 stomp boxes
Various guitar pedals
(1) Bass Pod
(2) Countyman direct boxes
(1) Music valve electronics tube direct box
(1) SansAmp Bass D1
(8) Fostex T20 headphones
(1) Sony MDR-V6 headphones
(21) mic boom, guitar and music stands
(4) Large boom stands
(1) B&O 1700 turntable
(1) Philips CD921-P CD player
(1) guitar pedal boards and various effects and stomp boxes

OTHER

Cabinets for gear (see pictures)
Patch bays for all gear
80 patch cables
Bench for percussion
(16) Sound treatments panels for walls
3 stacks of stackit gobos (9 pieces in all, 6 30" and 2 15")
hanging light treatment and sound attenuation panels (14 total)
Large diffuser panels (see pictures)
Racks for machine room gear